

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

DOCKET NO. 1:07CR106

FILED
ASHEVILLE, N.C.

AUG 6 2008

U.S. DISTRICT COURT
W. DIST. OF N.C.

UNITED STATES OF AMERICA,

Plaintiff,

v.

JERRY PENNINGTON

Defendant.

**FINAL
ORDER OF FORFEITURE**

On January 30, 2008, this Court entered a Preliminary Order of Forfeiture pursuant to 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32.2(b), based upon the defendant's plea of guilty to Counts One, Three and Four as set forth in the Bill of Information. In Count One, the defendant was charged with operation of a illegal gambling business involving video poker machines, in violation of 18 U.S.C. § 1955 and 2. In Count Three, the defendant was charged with offering bribery to a law enforcement officer, in violation of 18 U.S.C. § 666(a)(2). In Count Four, the defendant was charged with conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h).

Beginning on February 24, 2008 and for three successive weeks, the United States published in the *Shelby Star*, a newspaper of general circulation, notice of this forfeiture and of the intent of the United States to dispose of the forfeited property in accordance with law, and further notifying all third parties of their right to petition the Court within thirty days for a hearing to adjudicate the validity of any alleged legal interest in the property. It appears from the record that no such claims have been filed.

It is therefore ORDERED:

In accordance with Rule 32.2(c)(2), the Preliminary Order of Forfeiture is confirmed as final. All right, title, and interest in the following properties, whether real, personal, or mixed, has therefore been forfeited to the United States for disposition according to law:

(a) All currency and monetary instruments which were received during, involved in or used or intended to be used to facilitate the crimes alleged in this bill of Information, including but not limited to the following:

1) the sum of \$10,000,000 (United States Currency) in proceeds obtained jointly by HENDERSON AMUSEMENT, INC., JAMES OTIS HENDERSON, and BARRON SLOAN HENDERSON;

2) the sum of approximately \$165,000 in United States Currency, seized on or about May 17, 2005, at the HENDERSON AMUSEMENT, INC., electronically at 134 Banks Road, Kings Mountain, North Carolina;

3) the sum of approximately \$22,380 (United States Currency) in bribe money, delivered by JAMES HENDERSON and JEFFREY LEE CHILDERS and intended for a Rutherford County Sheriff's Office law enforcement agent between December 7, 2006, and June 13, 2007;

4) the sum of approximately \$7,616 in United States Currency seized from HENDERSON AMUSEMENT, INC., on or about April 4, 2004, in Bolling Springs, North Carolina;

5) the sum of approximately \$100,000 in United States Currency received as income by JERRY PENNINGTON from HENDERSON AMUSEMENT, INC.;

(b) All video gaming machines, and all video gaming machine components and cabinets, seized between October 1, 2000 and the date of entry of this plea agreement, that are currently in the custody of any federal law enforcement agency, or any North Carolina state, county, or local law enforcement agency.

© All title and interest in the following real property, in that such property was involved in the afore stated offenses or is traceable to such property:

1) Property located at 134 Banks Road, Kings Mountain, North Carolina, and found in Cleveland County Deed Book 1308, Page

2312;

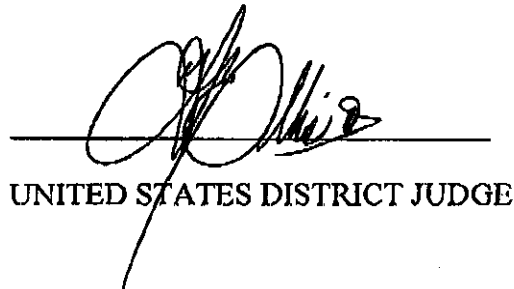
2) Property located at 918 Long Branch Road, Grover, North Carolina, and found in Cleveland County Deed Book 1340, Page 1007;

3) Property located at 100 Malibu Drive, Spartanburg, South Carolina, and found in Spartanburg County Deed Book 75C, Page 739;

4) Property located at 11064 Asheville Highway, Inman, South Carolina, and found in Spartanburg County Deed Book 81A, Page 058;

5) Property located at 261 Airline Drive, Forest City, North Carolina, found in Rutherford County Deed Book 638, Page 355.

This the 6th day of August, 2008.



UNITED STATES DISTRICT JUDGE